

Approved
Candia Selectmen's Public Meeting Minutes
Monday, June 26, 2006

Attendance: Chairman Clark Thyng, Vice Chair Fred Kelley, Selectman James Brennan, Selectman Thomas Giffen, Selectman Richard Lazott and Secretary Dawn Chabot.

7:00 p.m. Chairman Thyng opened the Public Meeting and immediately followed with the Pledge of Allegiance.

The Board will formally recognize Clay Caddy for his volunteer efforts at the Recycling Center: Selectman Kelley reviewed the attached memo (attached) from Facility Operator Whitcher regarding Clay Caddy's many acts of kindness, volunteering his time and materials at the Candia Recycling Center. Selectman Kelley extended a thank you to Clay Caddy from the Board, the employees and the Solid Waste Committee. Selectman Kelley presented Clay Caddy with a Certificate of Appreciation from the Board.

The Board and Solid Waste Committee Chair McHugh will discuss with members from Stantec (aka Dufresne-Henry) their revised Professional Service Agreement dated June 13, 2006: The Board met with members of Stantec Consulting Services Inc. (aka Dufresne-Henry), Senior Associate Rene LaBranche and Senior Consultant Thomas Sweeney to discuss their revised Professional Service Agreement dated June 13, 2006. It was noted that the agreement had been sent to Town Counsel for his review and comment. Mr. LaBranche stated he had been in contact with Town Counsel on his concerns and they seemed to be working the concerns out. Mr. LaBranche stated he spoke with Town Counsel on the 3rd Party Claim section because he (Mr. LaBranche) found it to be too vague. Mr. LaBranche stated Counsel understood his concerns and they are working together to find wording that they are both more comfortable with. Chairman Thyng advised he had asked Mr. LaBranche to speak directly with Counsel on his concerns. Chairman Thyng asked the Board if they were okay with Mr. LaBranche working directly with Counsel on the contract. The Board members indicated they were in favor of that approach. Mr. LaBranche stated he recently modified the agreement to have design, construction and bidding. Mr. LaBranche stated originally the Agreement was for design and he assumed the Town would want separate agreements for construction and bidding like some of their other customers prefer. Mr. LaBranche stated the agreement would cover submitting proper permits, facilitate bid openings and also making formal recommendations to the Board. Mr. LaBranche stated they are anticipating part-time construction monitoring at approx. 20 hours per week. It was noted that Road Agent Lewis and Building Inspector Hallock would be involved in the process as well. Mr. LaBranche stated they would also process payment requests and change orders. Mr. LaBranche stated Stantec would basically push the project along and get it done. Mr. LaBranche stated he would be in touch with the Board on the outcome of the upcoming meeting with DES as soon as possible. Mr. LaBranche also stated he

hoped that he and Town Counsel would have the agreement finalized by Friday for the Board's review.

The Board will discuss with SWC Chair Paul McHugh the revised electronics disposal proposal received from North Shore Technology: The Board reviewed the attached revised proposal from North Shore Technology dated June 16, 2006. SWC Chair McHugh stated the original proposal did not include the cost of the storage container. SWC Chair McHugh stated the rental costs for storage containers are as follows: 20 ft. container @ \$150.00 per month and 40 ft. container @ \$300.00 per month. SWC Chair McHugh thought the 20 ft. container would be suitable for the Town's needs and that the container would stay on site. SWC Chair McHugh stated by having a container on site, it would eliminate transportation hauling costs. SWC Chair McHugh stated the SWC would look into purchasing a container for the Town in the future. SWC Chair McHugh stated SWC member Dufour's initial research has revealed a container would cost the Town approx. \$1,200.00 to \$1,500.00. SWC Chair McHugh noted the cost to purchase a container is equivalent to approximately 10-months of rental fees. SWC Chair McHugh stated they still need to clarify a couple of items with Ms. Deslongchamps: 1) cutting off pigtails on the equipment 2) determine the pick up schedule. It was mentioned by SWC Chair McHugh there would be an opportunity to get out of the arrangement in the short term if necessary. After some discussion, Selectman Kelley motioned to accept the proposal dated June 16, 2006, from North Shore Technology, for electronics disposal, and authorized Chairman Thyng to sign on behalf of the Board. Seconded by Selectman Giffen. All in favor. Motion carried.

The Board will meet with Conservation Commission Chairman Ed Fowler for review and possible signing of Sanborn Cooperative Agreement and Direct Deposit Form: Conservation Commission (CC) Chair Ed Fowler stated he was pleased to announce that Natural Resource Conservation Service (NRCS) had awarded the Town \$273,700.00 from the Farm and Ranch Lands Protection Program (FRPP) to help fund the conservation easement on the Sanborn Farm. CC Chair Fowler stated they also awarded the Town \$2,400.00 to go towards the purchase of title insurance. CC Chair Fowler stated the total amount on the appraisal was \$595,000.00 and the award represents 46%. CC Chair Fowler stated in order to proceed with the award he would need three copies of the Cooperative Agreement signed by the Chairman of the Board and would also need the Direct Deposit Form signed so they would be able to deposit the Funds in the Town's account. Selectman Lazott stated the Sanborn's property was in Trust and asked CC Chair Fowler if his wife was part of that Trust. CC Chair Fowler stated she was not. Selectman Lazott stated he had a problem with it because CC Chair Fowler brokered the deal and Arthur is his brother-in-law. Selectman Lazott stated he would like to put the matter on hold until the Board obtains legal input from Town Counsel. CC Chair Fowler wanted to the Board to be aware that the request for the possible easement was not initiated by himself and that actually Arthur and Betty had initially contacted Rockingham County Conservation District about the potential easement. CC Chair Fowler stated he has recused himself on any Commission votes in regards to this property. Selectman Lazott stated he had review recent e-mails in regards to the property and that CC Chair Fowler's name is listed on the e-mails. CC Chair Fowler stated he's

facilitating it. Selectman Lazott stated if the potential easement was put to a vote before the citizens, he did not believe it would go through. Selectman Lazott stated he held respect for Arthur and Betty but felt he needed to put his friendship aside and request the item be tabled until the Board could obtain legal input from Counsel. Selectman Lazott stated something did not set right because CC Chair Fowler is family and has the expertise on how to get an easement done. Chairman Thyng questioned why Selectman Lazott would have a problem with CC Chair Fowler utilizing his expertise and knowledge to assist the Town with easements. CC Chair Fowler stated the only financial benefit he would see is as a result of being an abutter to Conservation Easement Land. Chairman Thyng asked CC Chair Fowler if his name would show up in the official paperwork on either side. CC Chair Fowler stated no, he has recused himself on the official vote made by the Commission. CC member Dennis Lewis stated CC Chair would be the one to handle the process and this would be nothing out of the ordinary because he has the knowledge. Bill Britton of Island Road expressed dissatisfaction with his tax dollars going to Conservation Easement and he felt that the Town should be spending money on Schools not slamming the door shut allowing his children to be able to live and develop in this Town. Bill Britton mentioned the Girard Property recently purchased by the Conservation Commission. Chairman Thyng noted the programs were two different programs, one being an out right sale and the other being the purchase of development rights. An attendee felt that the Town and the Commission were discouraging Commercial growth. CC Chair Fowler stated the Commission goes by RSA which states the Conservation Funds are for the purpose of conserving land. CC Chair Fowler stated the Commission was not interested in conserving Commercial land. CC Chair Fowler stated the Commission was interested in conserving large tracks of residential land to protect wildlife and natural resources. Pat Sanseverino of Horizon Lane thought too much money was being spent without putting the decision before the voter. Ingrid Byrd of Depot Road thought the Town should look for donation easements much like Chris Closs's donation on North Road. Ingrid Byrd asked how the property would be taxed if the development rights are sold. CC Chair Fowler stated it would be taxed as current use land. Ingrid Byrd stated the Town would not be able to recoup on its Current Use tax breaks and felt it was not right because the Sanborn's would be benefiting from a sale. Ingrid Byrd felt this was double dipping. Chairman Thyng stated the process was in accordance with the Law. Ingrid Byrd stated it was a poor interpretation of the Law. CC Chair Fowler stated it is legal that the Easement be taxed as current use property. Ingrid Byrd stated she spoke with the Conservation Commission about their property and they were told that the Commission was not interested in properties less than 100 acres. CC Chair Fowler questioned who told her that. Ingrid Byrd stated he did. CC Chair Fowler advised he never said that. Ingrid Byrd disagreed. Selectman Lazott felt that the Conservation Commission was trying to stop development under their guidelines. CC Chair Fowler stated the funds will be used to protect natural resources either through out right sales of land, or through sale or donation of development rights. Ron Severino of North Road asked if there was a policy on how the funds are spent once voted in at Town Meeting. Selectman Giffen stated the legal framework is as follows: the Town votes the funding in to the Commission, the Commission recommends potential purchases to the Board of Selectmen and the Board votes to approve or deny the Commission's recommendation. John Easter of Deerfield

Road expressed dissatisfaction with the most recent Conservation purchase on Deerfield Road. CC Chair Fowler explained the appraisal on the Deerfield Road Property. Paul Frasier of Currier Road asked if the Sanborns could build on the easement property. CC Chair Fowler stated no, 46% was labeled crop land. CC Chair Fowler stated they would be able to harvest timber on the easement land. CC Chair Fowler noted the Sanborns had excluded 7-acres from the easement for a future house lot. Selectman Giffen stated in previous meetings CC Chair Fowler has stated development rights are more favorable than outright sales because the Town ends up spending less and still protects the land. Selectman Giffen stated the Town still benefits from current use taxation as well. CC Chair Fowler stated he took issue Selectman Lazott stating they are trying to stop development when actually the Commission is trying to protect Natural Resources with Farm Land being a high priority. Selectman Lazott stated don't forget the land owner can still post the land. Selectman Lazott stated people probably do not completely understand that when they are voting in funds. Paul Frasier expressed concerns over starting a snowball affect with other Farm Land Owners wanting to sign up for the same deal. Paul Frasier stated he was not happy with the sign located on the Conservation Commission's Deerfield Road property and that he felt it was a slap in the face. CC Chair Fowler felt he misunderstood the intent of the sign. CC Chair Fowler stated as a result of the Deerfield Road purchase the citizens now enjoy walking the property and also have 82 acres to hunt on. Paul Frasier mentioned they were giving the Commission their open wallets and thought the Town should allow four wheelers on the property. Chairman Thyng noted the conversation was getting off topic and thought the Conservation Commission would like Mr. Frasier to attend their meetings. Selectman Lazott motioned to table the signing of the Cooperative Agreement and the Direct Deposit Form until the matter is run by Town Counsel to review potential conflict of interest involving a 3rd party. Seconded by Selectman Kelley. Selectman Giffen stated the Board makes their decision based upon the recommendation of the Conservation Commission. Selectman Giffen stated he could appreciate Selectman Lazott's interest in protecting the Town however the decision is made collectively by the five of them. Chairman Thyng stated he was confident that the contract was legal and that it was a standard template contract. Selectman Brennan asked what would happen if the Board puts the matter off. CC Chair Fowler stated the Town would have to turn down the \$273,700 award. CC Chair Fowler stated he received information from Mary Currier, Executive Director of Rockingham County Conservation District that the funds had to be obligated by 6/30/06. CC Chair Fowler stated he would be delivering documents to Ms. Currier tomorrow in order to obtain another signature prior to sending the documents in order to close on the easement award. Selectman Lazott reiterated that they needed legal input. Chairman Thyng called for a vote on the motion. Arthur Sanborn of Chester Road asked to speak on the matter. Arthur Sanborn stated \$595,000 sounds like a lot of money but noted he had already paid for the appraisal and would also pay the surveying costs. Arthur Sanborn stated he was not sure how much he would be left with. Arthur Sanborn stated he hated to think that people thought he would be double dipping. Arthur Sanborn informed that the current use program has help them be able to afford their small business noting who could afford to pay taxes on 300 acres without it. Pat Sanseverino asked if the Commission already had the funds to cover the proposed easement. CC Chair Fowler stated yes, they currently have approx. \$560,000 in their fund. CC Chair Fowler noted that the grant would help offset their

costs greatly. Chairman Thyng called for a vote on Selectman Lazott's motion to table the signing of the Cooperative Agreement and the Direct Deposit Form until the matter is run by Town Counsel to review potential conflict of interest involving a 3rd party. Selectman Kelley and Selectman Lazott in favor. Chairman Thyng, Selectman Brennan, and Selectman Giffen opposed. Motion is defeated. CC Chair Fowler reiterated that Mary Currier would like the cooperative agreements in hand tomorrow in order to process by June 30th. Ingrid Byrd asked about the Sieminski land on North Road. CC Chair Fowler stated the Commission is waiting for Carole Sieminski and her son to get an appraisal. It was asked if the funds could be held in escrow until Town Meeting vote. CC Chair Fowler stated it would not work with the Federal Government and they would lose the award. Chairman Thyng stated they have already been given the money from Town Meeting vote and now that they are making a decision on what to do with it, we are second guessing them. Selectman Lazott stated the taxpayers should have input at the ballot box. Selectman Giffen stated it seems Selectman Lazott has issue with the basic process and the framework. Selectman Giffen stated they can legally advance the funds after a vote of the Board because there was a vote at Town Meeting for the funds. Selectman Giffen did not feel it was appropriate to throw in a reverse and back out the train. Selectman Lazott stated as a Board they can change their mind just as they did in a recent Non-Public Meeting. Selectman Lazott noted the recent vote on the Conservation Funds only passed by 14 votes. Linda White of Chester Road asked Selectman Lazott if he had a problem with the amount of money or with CC Chair Fowler being related to the Sanborns. Selectman Lazott stated he had a problem with the dollar value and also thought the deal gives an appearance of an inside deal. Selectman Lazott thought Town Counsel would probably say it was legal after his review. CC Chair Fowler stated the amount was based upon an appraisal from a qualified appraiser out of Manchester for development rights only. Paul McHugh of Hook Road noted the money should not be a problem considering they are going to receive \$280,000 from the Federal Government. Paul McHugh also stated that it was a proven fact that residential development does have a huge tax impact on the tax payer, houses cost money. Bill Britton disputed his statement. Chairman Thyng stated what Mr. McHugh was stating was a proven fact. Pat Sanseverino did not feel the Town should buy the development rights and thought they should consider buying it outright. Ron Severino stated he could appreciate Selectman Lazott's concerns but thought the ship has already left. Ron Severino stated perhaps the Commission will be affected next year by the Town's vote if it is determined to be a problem. Selectman Lazott thought too much money was being spent and that the taxpayers' money was being spent by helping people put development rights on their land. CC Chair Fowler stated they have made their intentions known at Town Meetings. Selectman Kelley asked if people would be able to have small gardens on the property. CC Chair Fowler stated if Mr. Sanborn wants to establish that. Ron Severino asked what the appraisal for the property was if it was to be purchased outright without the development rights. CC Chair Fowler stated 1.2 million dollars. Chairman Thyng noted the Town was paying \$290,000 (with the award) for the development rights. Arthur Sanborn stated they have agreed to receive the payments over a five-year period. Selectman Giffen stated the matter before the Board was no longer the conflict of interest issue but do they accept the recommendation of the Conservation Commission that they are looking to preserve natural resources and is it a worthwhile purchase for their goals.

Selectman Giffen asked CC Chair to outline the Commission's goals. CC Chair Fowler stated this is part of their goal to protect farm land. CC Chair Fowler stated they want to be able to help people conserve their land by assisting with surveying costs, legal fees for partial sales or donations or buying development rights and also to buy conservation land outright. Selectman Giffen noted by buying development rights some tax dollars are still received if the property remains in current use. Selectman Giffen motioned in favor of signing the Cooperative Agreement Contract. Seconded by Chairman Thyng. Chairman Thyng announced all in favor of signing the agreement. Chairman Thyng, Selectman Giffen and Selectman Brennan in favor. Selectman Kelley and Selectman Lazott opposed. Motion carried. Chairman Thyng signed the Cooperative Agreements on behalf of the Board and also signed the Direct Deposit form (copies attached).

The Board will meet with Linda White of 58 Chester Road to discuss Anti-Mosquito Dunks possibly for the Town Pond: Linda White stated she was surprised to make it on the agenda. Linda White stated she has used the mosquito dunks in her pond for approx. four years and has not seen any mutated frogs or turtles. Linda White stated she was just informed by attendee Ingrid Byrd of some dangers associated with the use. Linda White originally thought it was worth mentioning to the Town in the event they wanted to look into it. Chairman Thyng stated the reason why she was placed on the agenda was due to the fact there was strong feelings (both sides, for and against) made known during the spraying proposal at Town Meeting. Selectman Lazott stated he was in favor of spraying for mosquitos noting he grew up with it. Selectman Giffen thought the Board should be guided by the level of funding given towards mosquito control which is zero until next Town voting in 2007. Selectman Lazott stated he recently obtained a skeeter eater which works great. Ingrid Byrd explained how she thought the dunks worked. Ingrid Byrd stated she was told not to use them in the pond because the area was too large and they would not get into the cat-of-nine tails. Ingrid Byrd stated she had a problem with the Town handing out insect repellent, she felt the Town was assuming liability by giving repellents to children and she thought it should be the responsibility of the parents. Health Director the repellent was made available to the parents not to the children. Ingrid Byrd suggested that the Town not use the dunks and that they consider more natural remedies such as installing bird houses and bat boxes. Health Director Hall stated she conducted research on the dunks on line. Health Director Hall stated her research indicated the dunks were safe and could be used in large ponds. Health Director Hall stated her research indicated that the dunks would dissolve and dispense around the cat-of-nine tails if the proper amount is provided based on the dimensions of the area. Chairman Thyng suggested that the Board take no action and that Health Director Mary Hall make the information on the mosquito dunks available to the Public. The Board agreed with Chairman Thyng's suggestion.

Selectman Brennan to discuss the proposed draft agreement between the Town of Candia and CYAA for the Moore Park Doucette Bathrooms: Selectman Brennan presented the attached Draft Agreement. The Board reviewed the draft. Selectman Lazott asked instead of 70/30 split Town/CYAA if they would consider 50/50 split for the repair costs associated with the bathrooms. Selectman Brennan provided history on the subject to attendees and explained that the discussions were due to a recent septic

pump problem. Chairman Thyng stated in previous years it had been handled by a gentlemen's agreement so to speak. Citizen Jon Easter asked why CYAA didn't just use the bathrooms for themselves. Secretary Chabot noted over the past few years Jesse Remington High School has used the fields for soccer season and Candia Moore School has used the fields for girls softball. Chairman Thyng stated the Park's use has become quite large by the residents. Selectmen Kelley and Lazott thought CYAA should consider selling or giving the Town the building. It was noted then the Town would be responsible for the electricity bill, water and all of the building maintenance. Chairman Thyng stated it was a small expense in the big scope. Chairman Thyng stated the Town provides a nice park with a nice play area. Selectman Brennan noted that the CYAA President reviewed the agreement and finds it satisfactory. Chairman Thyng motioned to approve the draft agreement as presented. Selectman Brennan seconded for discussion. Ingrid Byrd stated she thought CYAA should kick in for operating costs. Ron Severino noted when CYAA runs out of money they will just come before the Town anyway. Ingrid Byrd stated it has got to stop and mentioned the School has to pay to use CYAA facilities and the parents pay as well. Selectman Brennan noted all the fees go right back to the children and the programs they provide for them. There was no further discussion. Chairman Thyng called for a vote on the motion to approve the draft agreement as presented. Chairman Thyng, Selectman Kelley, Selectman Brennan and Selectman Giffen in favor. Selectman Lazott opposed. Motion carried. Four in favor, one opposed.

The Board will set a new copy rate for the Subdivision Regulations: Secretary Chabot noted there were 54 pages and at the established 50-cents per page rate the cost would total \$27.00. Selectman Lazott motioned that the cost for the Subdivision Regulations would now be \$27.00. Seconded by Selectman Thyng. All in favor. Motion carried.

The Board will accept the letter of resignation from Police Officer Christopher Beaulé: Selectman Lazott read the attached letter of resignation dated June 15, 2006 from Full-time Officer Christopher Beaulé. Selectman Lazott motioned to accept Christopher Beaulé's resignation. Seconded by Chairman Thyng with regrets. Selectman Lazott stated with regrets. All in favor. Motion carried.

The Board will reaffirm the COLA adjusted Police Dept. Matrix and will adjust Officer Cashman's hourly rate based on the prior adjustment: The Board reviewed the two memos received from Chief McGillen dated June 15, 2006 (attached). Selectman Lazott noted that Officer Cashman's hourly rate need to be adjusted due to the fact that the Board would need to adjust the entry rates on the Police Department Matrix as per previous minutes indicated. Chairman Thyng stated it was his intent to adjust the 1st entry level rate by the COLA amount but was not sure on the others. Secretary Chabot stated she was aware that Assistant Emerson and Police Chief McGillen had spoken on the matter and believed they both were of the same understanding. Secretary Chabot stated if they only adjusted the 1st entry level rate then that rate would eventually bypass the other levels. Chairman Thyng agreed that Officer Cashman's rate did need to be adjusted but was not sure on the extent of the adjustments that need to be done on the Police Department Matrix. Chairman Thyng asked that the Board defer the Matrix

COLA adjustment discussion until the next meeting in order to research the matter further. Chairman Thyng motioned to adjust Kevin Cashman's hourly rate from \$15.80 per hour to \$16.34 per hour, effective on his hire date of 03/10/06. Seconded by Selectman Lazott. All in favor. Motion carried.

Memo from Chief McGillen and Secretary Merchant: Selectman Lazott read the attached memo dated June 16, 2006 regarding favorable input on Secretary Dawn Anne Higgins-Currie who provides secretarial/receptionist coverage for their department. Selectman Lazott stated he wanted the memo to go into Dawn Anne Higgins-Currie's performance record as an addendum to her last evaluation.

The Board will review and possibly sign Primex's document in regards to the Multi-Year Discount Program: Chairman Thyng explained the Discount Program to the Board members. Chairman Thyng motioned to enter into Primex's Multi-Year Discount Program for the next 3-years. Seconded by Selectman Kelley. Motion carried.

Approval of Previous Minutes: Selectman Giffen motioned to accept the Public Minutes of 6/12/06, Non-Public Minutes of 6/12/06 (sealed minutes 1, minutes 2, and minutes 3) as submitted. Seconded by Selectman Kelley. All in favor. Motion carried. Chairman Thyng thanked Secretary Chabot for the excellent minutes.

Any Other Business

Recent Halls Mill Road Issues: Halls Mill Road Developer Ron Severino addressed the Board with concerns regarding recent confusion on his Halls Mill Road Subdivision and some recent changes to the proposed Road. Ron Severino mentioned he was aware Road Agent Lewis wanted him to go back before the Planning Board due to some recent changes to his original road construction plan. Ron Severino noted there was some confusion regarding getting on the June 21, 2006 Planning Board agenda after he spoke with the Land Use Secretary. Selectman Brennan noted that the Planning Board wanted the Subdivision to be issued a cease and desist. Ron Severino felt that was drastic. Ron Severino stated he was looking at a grade change and did not want to come in on what he thought he would be doing, he wanted to be sure. Road Agent Lewis stated the real issue was that he and the Town Engineer could not make the change it could only be done through the Planning Board. Road Agent Lewis stated he spoke with Planning Board Chair Girard and she stated he would need to come before the Planning Board in order to ask them what he wants to do. Ron Severino said for future reference if I got to the next step without Planning Board approval the Town Engineer would shut the project down. Chairman Thyng suggested that no decision be made on the plans until the plans are complete and presented to the Planning Board with review by the Road Agent at that time if necessary. The Board members agreed with the suggestion.

Selectman Giffen's 6/27/06 Meeting with State of New Hampshire Economic Development in regards to the Website Grant: Selectman Giffen advised that he and

the Website Designer would be attending a meeting tomorrow with the State in regards to the website grant.

Memorandums in regarding the release of funds from the Fire Apparatus Capital Reserve Fund and the wiring of funds: The Board reviewed two memos. One memo to Treasurer Philbrick regarding the wiring of funds in regards to the purchase of a 2005 International 7600 Cab and Chassis Tanker with a poly body and the other memo to the Trustees of the Trust Funds regarding the release of \$40,000.00 from the Fire Apparatus Capital Reserve Fund to replenish funds that the Town has paid to purchase a 2005 International 7600 Cab and Chassis Tanker with a poly body. All Board members signed both memos.

Next Meeting Date: The Board's next regularly scheduled meeting will be held on Monday, July 10th at 7:00 p.m.

9:17 p.m. Chairman Thyng motioned to close the Public Meeting and in accordance with RSA 91-A:3 II (c) enter into a Non-Public Meeting. Seconded by Selectman Kelley. Roll call vote conducted: Chairman Thyng, Selectman Kelley, Selectman Brennan, Selectman Giffen and Selectman Lazott in favor. Motion carried.